

Action Information

Action Title: Procedures for Prioritization of Chemicals for Risk Evaluation under the Toxic Substances Control Act (OMB Significant; RIN 2070-AK23; SAN 5943; Tier 2; FRL-XXXX-XX; 17T-XXXX)

Stage: Final Rule

Purpose: As required under the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which imposed sweeping reforms to TSCA this proposed rule would establish a risk-based screening process and criteria that EPA will use to identify chemicals as either High-Priority Substances for risk evaluation under TSCA, or Low-Priority Substances for which risk evaluations are not warranted at the time. Prioritization is the initial step in a new process of existing chemical review and risk management activity established under recent amendments to TSCA. The final rule describes the processes for selecting candidates for prioritization, screening that candidate against certain criteria, formally initiating the prioritization process, providing opportunities for public comment, and proposing and finalizing designations of priority. This procedural rule would not impose any requirements on the public.

Background: The Lautenberg Act amendments to TSCA were enacted into law on June 22, 2016, with immediate effect. Under the amended TSCA, EPA possesses improved authority to take actions to protect people and the environment from the effects of dangerous chemicals. EPA must now systematically prioritize and assess the backlog of existing chemicals, and manage identified risks. A combination of new authorities, a risk-based safety standard, mandatory deadlines for action, and minimum throughput requirements, are intended to effectively create a “pipeline” to drive steady forward progress on the chemicals left largely unaddressed by the original law. Prioritization (including the process and criteria established by this rule) is the initial step in this new process.

Stakeholder Involvement: EPA held a one-day public meeting on August 10, 2016, to hear from stakeholders to better understand their viewpoints on the development of the prioritization rule. EPA received oral comments from 28 commenters during the meeting, and 50 written comments were received in the docket. EPA received 71 public comments in response to the proposed rule that published on January 17, 2017. The commenters included representative from industry, environmental groups, academics, private citizens, trade associations, and health care representatives, and provided a diversity of perspectives. Additionally, OCSPP met with, and continued to meet with, a substantial number of individual stakeholders and groups regarding implementation of the 2016 TSCA amendments (including the development of this rule).

Ex. 5 - Deliberative Process

Legal Deadlines: The final rule must be promulgated by June 22, 2017, pursuant to TSCA section 6(b)(1).

Timing: OMB has just concluded the interagency review of the final rule under EO 12866. In light of the June 22, 2017 statutory deadline, the Administrator must sign the final rule as soon as possible. Promptly after signature, EPA staff will prepare and release a pre-publication copy of the final rule via EPA’s web site.